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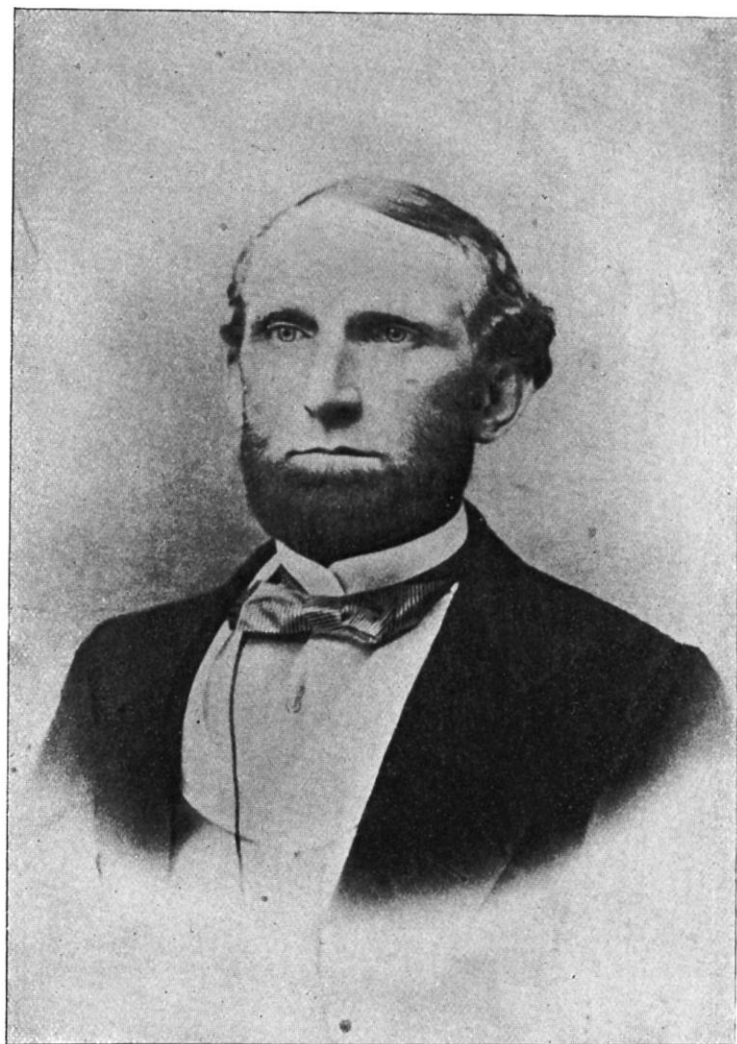
[No. 10.]

WALLER R. STAPLES.*

It is told that when the mother of the Gracchii was called upon for her jewels, she pointed to her sons. So the State of Virginia can do, though during this year she has been called upon to mourn, because the light of four of her brightest legal jewels has been shrouded in the darkness of death. First there was John Randolph Tucker, the starriest and the most sparkling of them all; then the great and pure lawyer and jurist, Judge Edward C. Burks, whose searching rays penetrated into the deepest recesses of the law, and shed a glowing lustre upon the judicial history of his State; and then Thomas J. Kirkpatrick, of Lynchburg, who, earnest and zealous and thorough in everything he undertook, was ranked among the first of the lawyers in his section of the State, and who with Irish impulse and Virginia chivalry, on many a hard-fought field, fired his guns and waved his flag in defiance, so long as his native State staked her cause upon the issues of battle. And if an unvarying faith and a burning zeal in the Master's service, and a pure and clean life through the period of probation, are any assurance of future bliss, then can we know that he is now wearing the crown and waving the palm in eternal glory. I have said thus much about Major Kirkpatrick because I knew him so well, both in peace and in war. And now, last of all, we mourn our great and distinguished Judge Staples, of whom I shall have much more to say—and of whom I shall only say now, that he radiated as clear and steady a stream of shining light as any of the jewels in this rich cluster.

When one portion of Virginia at this time can present such a collection of jurists, statesmen and warriors, I think it cannot be said, with any justice, that she has lost her capacity to produce great and true men, or that she has degenerated from her old-time glory. For

*A memorial address, delivered by Hon. Henry E. Blair, at a meeting of the Bar of Montgomery county, at Christiansburg, November 26, 1897.



WALLER R. STAPLES.

a State is not honored and respected because of her lands and possessions, but because of the character of her sons and daughters.

In compliance with the request of the members of the bar of this county, I have endeavored to prepare some words that may be suitable to express the sentiments of our minds and the feelings of our hearts, awakened by the recent death of our friend and associate, Judge Waller R. Staples. If he was not the friend and associate of all in this meeting, he certainly was a friend and associate of mine; and my chief regret is because of my inability to meet in full the demands of the occasion, and to rise to the sublime height that the great subject should inspire. He had lived in this town for many years, dying here on the 21st day of last August. And when he died there was an end of the mortal career of one of the most distinguished citizens that ever adorned the public life of Montgomery county.

It was difficult for us, who for so long a time were accustomed almost daily to see Judge Staples, with his familiar person and measured tread, as he walked and meditated at the eventide, like Isaac of old, and who so often heard the tones of his voice in social conversation or public speeches, to have realized the height of his intellect or the breadth of his mind; for it was with us, as with persons standing close by the foot of some great mountain, difficult to estimate its towering height or its massive size. Distance not only lends enchantment to the view, but also accuracy to the measurement, and a prophet is not without honor, save in his own country. But now that he is removed from us by death, we can better estimate his great proportions and speak of them with more propriety.

Judge Staples was born in the year 1826, when John Quincy Adams was President of the United States, and the old Constitution of Virginia was the law of this State. His birthplace was in the county of Patrick, the land of the red hills, the apple and the fairy stones. Here he lived the years of his childhood and youth. Shortly after reaching his majority, he settled in the county of Montgomery, the land of mountains, of the bluegrass and the limestone; a county long famed for the high-toned character and chivalrous deeds of its men, and for the kind hearts, the pure minds and the beautiful persons of its women; a county worthy to be the home of the best and the greatest that America can furnish. It is a county, too, that is the pride and beloved of my heart—for in the valley of its south fork of the Roanoke are interred the bones of my respected grandfather, and

on the side of the Pentland hills, on its north fork of the Roanoke, there rest the remains of my beloved mother.

Judge Staples, as most Virginia country boys, was educated in the schools of those days, known as "old field" schools, where he was well grounded in the elements of a common school education, and, above all, in the noble principles of Virginia honor, concentrated in the expression, "never to tell tales out of school." He then went to the high school at Chapel Hill, North Carolina, and finally to the old William and Mary College, located at Williamsburg, the first capital of the State of Virginia. In the elegant society of that city, young Staples became quickly imbued with the spirit of the ancient traditions and glories that encircled the brow of his mother State. In that ancient and classic college he concluded his academic education, which differed from the more modern curriculum, in that the students were specially instructed in the science of political economy, and great attention was paid to the English and belles lettres department. The interest there aroused in general literature followed him through his life, and showed itself both in his forensic efforts, and in his speeches in the political contests of his day.

After leaving this college, he studied law in the office and under the instruction of Judge Norbonne Taliaferro, in the county of Franklin, as was more the custom of law students in those days, instead of in the special law schools as now established. After obtaining his law license, he settled in this county, and in the year 1847 took the oaths required for practice before the courts. Then commenced the real labor of his life as a lawyer, and with him, indeed, was it a labor of love.

At that time, as I remember them, the lawyers composing the practitioners before the courts of Montgomery county were Hon. William Ballard Preston—the brilliant advocate and eloquent orator, just then about quitting the practice; Capt. James Preston—a sound and accurate lawyer, an accomplished and gallant gentleman, and a distinguished officer in the Mexican war; James F. and Daniel H. Hoge—prominent lawyers, able debaters and eloquent advocates; J. B. I. Logan—a wise counsellor and a most complete master of the principles and accurate draftsman of both general and special pleadings; Eli Phlegar—trusted and confided in by all, and one of the foremost chancery lawyers of his day—stern in manner but generous of heart, and always willing and ready to befriend aspiring young men, and a true friend to me in the far away days of the long, long ago, when I

was young and wild and thoughtless and sorely needed the counsel and the countenance of wise and faithful friends. These, as I recollect them, were the resident lawyers of Montgomery county. From Roanoke county there came the chivalrous and high-spirited William Watts and Henry A. Edmundson—Watts with his clear intellect and sound reasoning, and Edmundson, beloved and admired by all who came in contact with him, and resistless as a mountain torrent before the juries of his country. From Pulaski county came Frank Wysor, large and strong of person, with mind equally as large and strong, a very sledge-hammer of the law, behind whose smiling face and merry eye there seemed to dwell the living spirit of wit and humor; he was the idol of the younger members of the bar and the courthouse audience.

I have mentioned these gentlemen so that we may consider the strong array of noted lawyers with whom young Staples had to contend, when he first made his appearance at the bar. But young as he was, he soon proved that he was a foeman worthy of the steel of the best and the bravest, and at once took a place in the front rank of such a noted bar. His course was from that time onward and upward, and soon the honors and emoluments of his profession flowed in abundance and profusion upon him.

Judge Staples had a mind broad and comprehensive, an intellect strong and clear, a perception acute and penetrating, and gifted with legal intuition to an unusual degree. He possessed a power of reasoning and of logical analysis which enabled him to make demonstrations and conclusions with mathematical certainty; an ambition ever reaching for the highest attainments and most complete excellence; a quenchless thirst for knowledge, and an energy ever restless and persevering; a willingness and capacity to labor, marvellous in a person of his not very robust physical constitution. With the law for his chosen and jealous mistress, he served her with constant faith and loyalty; and it is not surprising that she blessed him with her smiles and favors, and confided to him her inmost secrets. He had a voice distinct, resonant and ringing, a fluency of speech and eloquence of words such as belong to orators who please the taste and hold the attention of listeners. He had a beautiful fancy and a brilliant imagination, but they were not the masters so much as the servants of his stern logic and profound reason.

The speeches of Judge Staples were always adorned by the polite literature which he had been taught, and which he continued to study

and cultivate throughout a laborious and constant professional practice. His speeches exhibited the hardest and most severe logic and reasoning, embellished with the garlands of the flowers of language.

Thus equipped with nature's rich gifts, and with profound learning acquired by his own unremitting study, he was soon known and recognized as a formidable competitor with the stoutest and oldest of the members of the bar wherever he practised. And in the cut and thrust, rough and tumble, "knock down and drag-out" contests before the old county courts of Virginia, he was like Spartacus in the arena of the gladiatorial amphitheatres. Before the circuit courts and the juries of the country he was a sword of attack to his adversaries and a shield of defense to his many clients.

But Judge Staples was known to the people of Montgomery not only by his rapid rise and high standing at the bar. Soon after his settlement in this county he took a conspicuous part in the political affairs of the day, attaching himself to the Whig party—a party whose founder and prime leader was Henry Clay, the great Commoner of Kentucky, who, coming, like young Lochinvar, "out of the West," with courageous manliness and thrilling eloquence, enlisted and animated his followers as the crusaders were animated by Peter the Hermit.

Though the Whig party had sometimes been successful in national elections, it had then always been in the minority in the State of Virginia. Yet Judge Staples identified himself with it, and followed its fortunes to the last. He spoke for its men and its measures on the rostrum and in its conventions. By his exposition of the principles of government and its duties to the citizen, and by the fervor and eloquence of his speeches, he excited the admiration of his friends and commanded the respect of his opponents. By his persuasive eloquence he swayed his audiences and received the shouts and applause of listening crowds—an incense so grateful to the ear and the heart of the young and the ambitious. I heard him once in a State convention in the city of Richmond, when he was still a young man, make a speech that electrified the whole assembly and assured for Staples a splendid reputation as a political speaker throughout the State, and made his name known to the nation. So delighted were the men of his party with him that, in the year 1852, when still but a young man, they nominated him for the House of Delegates; and though the vote in this county was nearly equally divided between the political parties, he was elected by a handsome majority.

After his term expired he held no public office up to the time of the war, but continued to give his party the benefit of his speaking in the campaigns and of his wise advice in its councils. In the meanwhile he continued to practice his profession, increasing his renown and his emoluments. When the great war came on, and every loving son of Virginia felt that her honor and life were involved in the struggle, and that he must devote himself to her cause, either on the battle-field or in the councils of the nation, Judge Staples offered his services and served on the staff of the patriotic and heroic Colonel Robert C. Trigg; but soon afterwards he was elected a member of the Confederate Congress, where the patriotic and wise men of the nation could render as useful and necessary service as others could in the camp and on the battle-field.

When the war was over and we had returned to our homes, with our hearts broken and our hopes crushed, with our government overthrown, and terms of reunion offered us, Judge Staples was one of the first to raise his voice in cheerful and inspiring tones to revive our dead feelings and to uplift our despondent spirits, urging us to do our duty and to render our service to the new Virginia as we had so freely and lovingly done to the old.

When the storm of war had entirely ceased, and the ground-swell of reconstruction had subsided, and when Virginia was again free to choose her own officers, she selected as the first members of her Supreme Court, Moncure, and Joynes, and Anderson, and Christian—that bright array of legal talent and learning—and side by side with them she placed Judge Waller R. Staples, on that, her highest and proudest tribunal. And right well and worthily did he justify the confidence so reposed in him.

Judge Staples was now in a position for which he was pre-eminently suited. In my opinion there is no position in civil life where a man can render better service to his fellow-citizens than by wisely and justly discharging the duties of a judge. For, in the persons of the judges is placed the power of expounding and applying the law, which is the final protector of the life, liberty and property of a free and independent people. For twelve years, as a judge of the Court of Appeals, did Judge Staples illustrate and illuminate the law of the land in learned opinions. These opinions, in addition to their legal learning, are splendid models of masterful English composition. In this high position, by his learning, his energy, his wisdom, his judgment, and integrity of purpose and act, he proved himself the peer of a long line of distinguished Virginia judges.

After his term of office as judge had expired he still performed high service for his native State by rendering valuable assistance in framing the Code of 1887. He then retired from all official position, but continued to take an active part in the political affairs of the country. Having again resumed the practice of the law, he attained great success and distinction before the courts in the capital city of his State and the Supreme Court of the United States. At last he came back to Christiansburg, where, so far as he is personally concerned, he ended, as he had begun, the public life of one of the most distinguished citizens that ever adorned the public life of Montgomery county. But that life is not ended, so far as his survivors are concerned, for he has left an example to the young and aspiring members of the bar to stimulate them to renewed labor and energy, with the confident belief that in the diligent and honorable practice of their profession, honors and emoluments are still to be gathered.

Mr. Chairman, because of my long acquaintance and association with Judge Staples I knew much of the acts and feelings of his private life. While not noisily demonstrative of his feelings, he was a man of kind affections and strong attachments. I have heard him say how painful it always was in his boyhood days for him to leave the home of his father and family. Even to the last of his college days he was distressed with the feeling of home-sickness. And he showed his abiding attachment to that family by his much kindness to them during his life, and by willing to them the fortune he had accumulated by his own labor and frugal life.

My friendship with Judge Staples was cemented by an incident in our early lives, and continued without interruption to the last. I certainly do value and believe in the delights of friendship, though the men of the world may say that friendship is but a name. I believe in a higher and purer creed that teaches me that there is a friend that sticketh closer than a brother.

As a relief to this imperfect effort, I feel grateful to the gentlemen of this bar that while the great lawyers and judges in the capital city of Virginia are placing crowns of laurel and wreaths of immortelles on the grave of Judge Staples, you have afforded me the pious satisfaction of scattering these loose flowers, gathered in the quiet vale of friendship, on the grave of my friend and associate.

It was the habit of Judge Staples to perform many acts of unostentatious charity. He visited the sick, he clothed the naked and fed the hungry when in need. He was for many years a man of strong re-

ligious feelings and sentiments, and often would turn the current of conversation to religious subjects. Finally, during the past winter he made a public profession of his faith in Christ as the Saviour of sinners.

And now that his body is resting in an honored grave in the green valley of the Roanoke, that lies under the shadow of the blue mountain, may we not, through faith, believe that his spirit has gone to the Maker who gave it, and that at Heaven's high court he has heard, from the only unerring judge, the happy welcome, "As thou hast done it unto one of the least of mine, thou hast done it unto me."